

**American Rivers  
The Bay Institute  
Defenders of Wildlife  
Environmental Defense Fund  
Natural Resources Defense Council  
Sierra Club California  
The Nature Conservancy**

Thank you for the May 24, 2012 briefing on the key elements of the emerging BDCP framework. We are eager to gain a more complete understanding of your thinking, understanding that the proposal is a work in progress. We request the opportunity to discuss the following initial questions with your agencies in the coming week, in our regular June 12 meeting and in subsequent meetings.

We ask these questions in the spirit of collaborative discussion of the framework. When we ask yes/no questions, we encourage you to explain your analysis and reasoning. We encourage resolution of these questions, which reflect fundamental interests of the conservation community, before the announcement of a framework, with sufficient detail anticipated before the release of the proposal for formal public comment.

We anticipate providing comments on the framework once we more fully understand it.

**Intakes and Capacity**

1. Are you considering 9,000 cfs as the final diversion capacity, or an initial stage, followed by a second stage to increase diversions up to a full conveyance capacity of 15,000 cfs?
2. Do you anticipate phasing the construction and operation of the three 3000 cfs intakes? If so, will the Plan cover the full 9,000 cfs capacity?

**Operations**

3. Will the plan as submitted for regulatory permitting include both initial operating criteria and an adaptive range for a new facility and the existing intakes?
  - a. Or do you expect that the initial operating criteria and an adaptive management range will be developed, using the decision tree, during the period after permitting and before operation?
  - b. In any event, how would a decision tree provide an enforceable mechanism to ensure that the biological goals and objectives are met as a condition of project operations?
4. Please explain the basis of the water supply estimate (4.5 – 5.5 MAFA)? How are the fish agencies evaluating whether this range will be permittable, if included in the plan? How firm is this range?
5. Is your proposed project still intended to be dual conveyance or will it be single conveyance?
6. How will the proposal affect the current/remanded Biological Opinions?

### **Science**

7. Do you expect that the plan as submitted for regulatory permitting will include:
  - a. A full set of biological goals and objectives? Will appropriate objectives be included as permit conditions?
  - b. A full description of the decision tree which will be used to modify operating criteria during the interim period (after permitting and before operation)?  
E.g., which logic or rules will be included in the tree, who decides, what is the role of stakeholders, etc.?
8. How do you envision the decision tree will work? Is it part of adaptive management or something different?
9. How will the decision tree be used to link operating criteria with the performance of the habitat restoration measures as implemented pre-operation?
10. Does the framework include the 2/29/12 public draft of the adaptive management program? Has your thinking evolved, if so, how?

### **Restoration**

11. How do the habitat restoration acreage targets for the next 15 years compare with the targets in the current Biological Opinions?
12. What is your thinking about how to assure funding for acquisition, restoration and management of the restored areas

### **Funding**

13. Does the framework include the funding arrangements in the 2/29/12 draft Chapter 8?

### **BDCP Plus**

14. Do you have specific measures in mind for improved water management beyond existing obligations?
15. Does "BDCP Plus" include measures to provide additional flows through regulatory requirements or paying to acquire water? Are you considering using public funds to acquire water?
16. How will non-export measures be linked to BDCP?

### **Go-Forward Planning Process**

17. When do you anticipate releasing a public draft BDCP?
18. What process will you use to further develop the framework before that release date?
19. What process will you use to modify the EA to respond to the red flag memos and the new framework?
20. When do you anticipate a public announcement of this new framework?

May 30, 2012